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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,514

04/25/2006

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DES MOINES, IA 50309-4076

EXAMINER

MARANDI, JAMES R

ART UNIT

PAPER NUMBER

4157

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,514	Applicant(s) AL AMRI, MOOSA EISA	
	Examiner JAMES R. MARANDI	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. The current title "TV Broadcasting" is extremely broad and not indicative of the applicant's disclosure and/or claims. The following title is suggested: "Video Distribution utilizing an Authorization Server through Internet". A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The disclosure is objected to because of the following minor informalities: A typographical error appears in claim 3. The word "sys tern" should be changed to "system". Applicant is advised to check the application for other spelling and/or grammatical inconsistencies.
3. The claims appear to start at the end of paragraph [0092] of the disclosure. It is presumed that numbers 1-13 are the applicant's claims. There is no indication, such as, we claim, preceding the said numerals. We suggest this matter be clearly highlighted.

Drawings

4. Figures 1 and 2 are copied from Greg Murphy's US Patent No. 6,564,380.

Therefore, they should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

5. Figures 5 and 6 appear to be exact duplicates and therefore redundant. Delete Figure 6, and correct references accordingly in the disclosure.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows: **(See MPEP Ch. 2141)**

- a. Determining the scope and contents of the prior art;
 - b. Ascertaining the differences between the prior art and the claims in issue;
 - c. Resolving the level of ordinary skill in the pertinent art; and
 - d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.
7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over T. Kusaba et al., US Patent No. 6,510,556 (hereinafter "Kusaba") in view of G. Murphy, US Patent No. 6,564,380 (hereinafter "Murphy").

Regarding claim 1, Kusaba discloses:

A system for enabling video content (Figure 2, elements 101, 102; Figure 4A and B) **to be selected by a user via the Internet (140)** (Figure 2, elements 12, 16, 11) **and for distributing selected video content via a multichannel video broadcasting system** (Figure 2, elements 112, 13, 121), **for the selected video content to be received on a multichannel receiver** (Figure 2, element 122) **and displayed at the user's location on a TV monitor (150)** (Figure 2, element 125) **or on a PC (160) provided with a TV display card** (Figure 2, element 125), **the system comprising: a main video server (200)** (Figure 2, element 101) **storing a plurality of selectable video contents (210,220,230)** (Figure 2, element 102); **an authorization server (300)** (Figure 2, element 105) **accessible via the Internet for a user to transmit user commands to select video contents that are to be displayed immediately or with a delay; a**

multichannel video broadcasting apparatus (250;280,285) (Figure 2, elements 112, 13); **and a distribution server (350)** (Figure 2, element 11) **for supplying, from the main video server (200) to the broadcasting apparatus (250;280,285), selected video contents to be broadcast on channels of the broadcasting apparatus** (Figure 2, elements 102, 101; Figure 4A, element 400); **the system being arranged to provide an indication of a channel that is available to broadcast a selected video content** (Figure 4C, element 422) **immediately or with a delay in correspondence with a user command** (Figure 4C, element 423), **said indication being available to the user via the authorization server (300) and the Internet (140)** (Figure 2, elements 105, 16); **and the system being arranged to initiate the broadcast of a selected video content on the indicated available channel immediately or with a delay in correspondence with said user command.**

Kusaba's disclosure of video storage (102) attached to the vide server (101) does not explicitly outline possibility of a **live broadcasts (210), recorded videos (220) and video-on-demand (230)**. Furthermore, Kusaba's disclosure of the scheduler (105) deos not explicitly mention and **authorization server (300)**, even though it is given that only authorized users (paid subscribers) have access to the system.

However, Murphy substantially discloses elements and functionalities of **live broadcasts (210), recorded videos (220), video-on-demand (230), and authorization server (300)**, as shown in Figure 5.

Therefore, it would have been obvious to one skilled in the art, at the time the invention was made, to use Murphy's teaching in the invention of Kusaba, as it offers a variety of choices in content sources and better control of viewers' access to proprietary content.

Regarding claim 2, **wherein the main video server (200) stores live broadcasts (210), recorded videos (220), video-on-demand (230);** is rejected by the same analysis as provided in claim 1.

Regarding claim 3, **wherein the multichannel video broadcasting apparatus (250;280,285) is a digital broadcasting apparatus having a broad bandwidth with several hundreds of channels** (Figure 2, elements 112, 13, 121). It is common knowledge that satellites are capable of carrying broadband services with hundreds of channels.

Regarding claim 4, **wherein the multichannel video broadcasting apparatus comprises a cable TV network (250)** (Figure 7, elements 118, 17, and 126).

Regarding claim 5, **wherein the multichannel video broadcasting apparatus comprises a ground transmission station (280) arranged to transmit to a communications satellite (285)** (Figure 2, element 112).

Regarding claim 6, **wherein the distribution server (350) is arranged to provide automated selection of a channel available to broadcast immediately or with a delay in correspondence with a user command, or a partly automated selection assisted by a user command** (Figure 4A, 4B, 4C).

In Figure 4B the user can select a title to play immediately or go to menu option Figure 4C and select a channel with delay and a make a reservation.

Regarding claim 7, **comprising a processing system (320), connected with main authorization server (300) to operate the main video server (200)** (Figure 2, elements 105, and 106).

8. Method claims of claims 8-13, representing and enabling the system claims of 1-7 are hereby rejected by the same analysis.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/
Patent Examiner

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157